HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
HONOURABLE SRI JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION No.11800 of 2007

Dated: 22.06.2007

Between:

Sabiha Sultana

…Petitioner

And:

The Inspector, Task Force, South Zone, Hyderabad and another.

…Respondents

HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
HONOURABLE SRI JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION No.11800 of 2007

ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Heard learned Assistant Government Pleader, representing learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'telegram', dated 10.05.2007, by one Sabiha Sultana, W/o. Md. Sayeeduddin, R/o. H.No.8-1-402/249, Gulshan Colony, Tolichowki, Hyderabad, to the Hon'ble the Chief Justice, High Court Andhra Pradesh, Hyderabad, complaining that her husband and his brother Mohd.

Mukarramuddin were illegally detained by the Commissioner of Police, Task Force, Hyderabad, on 10.05.2007 and that she apprehends danger to their lives.

3. Upon receipt of notice, issued by this Court, the first respondent-Inspector of Police, Task Force, South Zone, Hyderabad, filed counter-affidavit stating, *inter alia*, that the alleged detenu No.1 by name Mohd. Sayeeduddin is accused No.3 in Crime No.6 of 2007 of Shalibanda Police Station, registered for the offences punishable under Sections 147, 148, 307, 427 and 353 read with Sections 149, 420, 468, 471 and 120 (B) IPC and Section 25 (1) (a) of the Arms Act and 7 (1) of Criminal Amendment Act; that, in that connection, the alleged detenu No.1 was arrested along with 16 others, who were shown as accused in the said crime, on 11.05.2007 and on 12.05.2007; and were produced before the Chief Metropolitan Magistrate, Hyderabad, who remanded them to judicial custody; that subsequently the alleged detenu No.1 was enlarged on bail with a condition to attend the Police Station thrice in a week and that instead of complying with the condition of the said bail, the alleged detenu No.1 jumped the bail and yet is to be traced.

4. As regards the alleged detenu No.2, it is denied that the Police have detained him illegally. It is stated that by virtue of order, dated 11.05.2007, in M.C.No.B/163/2007, passed by the Special Executive Magistrate, Hyderabad, the alleged detenu No.2 was enlarged on bail on his executing a personal bond for a sum of Rs.1,000/- for ensuring his good behaviour for a period of one year. It appears that the Station House

Officer, Golkonda Police Station, laid an information in connection with Crime No.169 of 2007, basing on which the order in the said M.C., has been passed and that the alleged detenu No.2 is freely moving by virtue of the order of bail now.

5. *Prima facie*, we are of the view that the present complaint, by way of telegram, has been made by the petitioner only to obviate the due course of action under law. Hence, we see no truth in the allegations levelled by the petitioner, in the telegram, and the writ petition is liable to be closed.

6. Accordingly, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.VARMA, J

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D.APPA RAO, J

22.06.2007
dr